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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

United States Commodity Futures Trading
Commission,
Plaintiff,

v.

Tallinex a/k/a Tallinex, Ltd. and General
Trader Fulfillment,
Defendants.

**ATTORNEY AFFIDAVIT IN SUPPORT
OF MOTION FOR ENTRY OF CLERK'S
DEFAULT UNDER FED.R.CIV.P. 55(a)**

Case No. 2:17 cv 00483

The Honorable David Nuffer

I, Camille M. Arnold, an attorney for Plaintiff Commodity Futures Trading Commission ("Commission" or "CFTC") in the above-captioned case, declare under penalty of perjury that the following facts are true and correct to the best of my information and belief:

1. On May 30, 2107, Plaintiff Commission filed a Complaint in this matter against Defendants Tallinex a/k/a Tallinex Limited ("Tallinex"), an Estonia company that uses business addresses in Estonia and St. Vincent and Grenadines, and General Trader Fulfillment, a company formerly located in Pleasant Grove, and now located in Lehigh, Utah. [*Docket ("Dkt.") No 2*].
2. Plaintiff Commission attempted three times to effect service upon Tallinex, and was finally successful upon its third attempt.

3. On or about June 1, 2017, Plaintiff Commission attempted to serve Defendant Tallinex pursuant to Federal Rules of Civil Procedure (“Fed.R.Civ.P.”) 4(f)(1) through the Hague Service Convention. Estonia’s Ministry of Justice responsible for effecting service through the Hague was unsuccessful in serving Tallinex and returned the Complaint and Summons to the Commission.

4. On June 20, 2017, Plaintiff Commission attempted to serve Tallinex pursuant to Fed.R.Civ.P. 4(f) (2)(c)(ii) by registered mail addressed by the Clerk of the Court to Tallinex’s Estonia business address. [*Dkt. No. 11*]. Plaintiff’s service of process was returned as undeliverable. [*Dkt. No. 17*].

5. On July 7, 2017, Plaintiff served Defendant Tallinex pursuant to Fed.R.Civ.P. 4(f)(2)(c)(ii) by registered mail addressed by the Clerk of the Court to Tallinex’s St. Vincent and Grenadines business address. [*Dkt. No. 14*]. Service of the Commission’s Complaint and Summons in this matter was effected on August 15, 2017. [*Dkt. No. 19*]. Defendant Tallinex’s Answer was due on September 5, 2017.¹

6. Tallinex has U.S. based attorneys, who, as the Commission understands it, are Tallinex’s attorneys for general corporate matters.

7. The Commission’s attorneys, including myself, while not required to discuss this matter with Tallinex’s counsel because they are not counsels of record in this matter, nevertheless did so as a matter of professional courtesy and comity.

8. Tallinex, through its counsel, has informed the Commission throughout the pendency of this litigation that it would neither plead nor otherwise defend in this matter.

¹ GTF was served with the Complaint and Summons on June 6, 2017. GTF filed an Answer on June 26, 2017. Plaintiff Commission and GTF have been engaged in discovery and settlement negotiations.

9. Plaintiff Commission's has informed Tallinex's counsel that the Commission would be filing for default in this matter.

10. Defendant Tallinex is a limited liability or corporate entity and is therefore neither an infant nor subject to U.S. military service.

Date: April 18, 2018

Respectfully submitted,

/s/Camille M. Arnold

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